

**...the Family  
Division of the Third  
Circuit Court  
initiated a contract  
with the Detroit  
office of the Legal  
Aid and Defender  
Association that  
required attorney  
participation at  
foster care reviews**

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#### **Positive Outcomes of Appeals**

Foster parent appeal hearings are different from regular monthly review hearings. Regular review hearings focus on the permanent plan and the action steps to achieve it. Appeal hearings focus exclusively on whether or not there is a compelling reason to move a ward from one temporary setting to another. Appeal hearings are more vocal and more emotional. Agencies believe the move is in the best interests of the ward; foster parents believe it is not. Boards must separate the feelings and wishes of the foster parents and agencies and concentrate on what's best for the ward. One positive outgrowth of foster parent appeals is that it prompts agencies to clearly define the reasons for a move, and to include the foster parents in the process wherever possible.

Boards have reported back to agencies steps which can be taken to avoid unnecessary appeals. Namely, treating foster parents as legitimate members of the team and listening to their concerns. A primary question asked by boards at appeal hearings is: Are there other steps short of removing the ward which would be more appropriate? Good communication between agencies and foster parents cuts down the number of appeals and maintains the much-needed foster parent retinue.

#### **Wayne County Focus**

At the May 1999 annual in-service for Wayne County, an historic step was taken toward developing a comprehensive plan to advocate for children in foster care within the County. For the first time, all ten Wayne County Boards met as a group to work together on a common goal in the coming year. The agreed upon goal for 1999-2000 was to advocate for improved attorney representation of neglect wards in Wayne County. Each Board was assigned a specific task, which included meeting with local judges and referees, court administrators, and attorney groups. Although all of the meetings were not completed by the end of 1999, the boards' efforts began to bear fruit.

In September 1999 the Wayne County Program Representatives were invited to make a presentation at the Third Circuit Court's "Fourth Annual Attorney Seminar." The presentation provided an opportunity to share with attorneys the benefits of foster care review as it relates to attorneys and their child clients. It likewise stressed the importance of good attorney representation of children in foster care. Furthermore, the administration of the **Family Division of the Third Circuit Court** initiated a contract with the Detroit office of the Legal Aid and Defender Association that **required attorney participation at foster care reviews** for children they are appointed to represent. This practice will go into effect *in 2000-01*.

In addition to formal efforts to improve attorney representation of children in Wayne County, board members participated in an initiative to improve parent training classes in the county. This effort will continue in the coming years. The boards have also established a **Focus Group** which is working to **develop relationships with various segments of the child welfare community** with the goal of improving services to foster children in Wayne County. The group hopes to involve the extended community in the welfare of all children in Wayne County.

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#### **FY 1998/99**

Total Reviews	3,328
Total Wards	27,120

STATE OF MICHIGAN

## **Citizens' Foster Care Review Board Program**



## **1999 ANNUAL REPORT**



# 1999 Citizens’ Foster Care Review Board Program Annual Report

The Michigan Citizens’ Foster Care Review Board Program was established by the Legislature to monitor how neglect wards are treated in foster care. Although there is a complex child welfare system primarily carried out by courts and social services agencies, children are really wards of the entire community. Local boards *observe the system and report back to the Legislature and the Governor on observations and recommendations*. They also advocate for children pursuant to the original provision of the statute. In addition to reviewing wards each month at review hearings, board members confer with judges, agency directors, and other child welfare advocates in the community.

Pursuant to 1998 PA 170, the Foster Care Review Board Program issues an annual report which contains a summary of board activities and identifies problems that impede permanent placement of children. Additionally, the report recommends improvements to timely placement of children in permanent settings.

This year’s annual report is the first one published since the Program was expanded statewide in 1998. There are now 30 boards covering all 83 counties. Program offices are located in Lansing, Detroit, and Gaylord. More than 200 citizen volunteers comprise thirty boards and a statewide Advisory Committee. In 1998-99 more than two thousand wards were reviewed in more than three thousand review hearings.

The 1999 annual report is derived from the **biennial Program goals**, the **Binsfeld Commission laws** as they affected the new Foster Care Review Board Program responsibilities, **six major ad hoc subcommittees** of the Program Advisory Committee, **meetings and presentations** by boards and staff, and the newly formed **Wayne County Focus Group**. Finally, the annual report contains **statistical information** from reviews and the **Program recommendations** to the Legislature and the Governor as required by law.

## Biennial Program Goals

The goals of the Michigan Citizens’ Foster Care Review Board Program are always rooted in the findings derived from abuse/neglect ward reviews. Every time a neglect ward is reviewed by a foster care review board, the board notes the major barriers to the stated permanency plan. This information is tabulated for each board and used to develop Program goals and to identify “problems that impede the timely placement of children in a permanent placement and recommendations for improving the timely placement of children in a permanent placement.” 1997 PA 170, Sec. 9 (2) (c).

Every two years the Advisory Committee develops goals for the Foster Care Review Board Program. Based on the major barriers to permanency from review data, the goals set out objectives for the Program. The goals are identified under five general headings: Expand Advocacy Role; Communication and Public Relations; Data Collection and Statistical Analysis; Effective Use of Volunteers; and Other Issues.

## Advisory Committee ad hoc Subcommittees

In early 1999 the Advisory Committee established six ad hoc subcommittees to address the Program biennial goals, including specifically the

implementation of the recently enacted Binsfeld laws. The committees were labeled: *Advocacy; Attorney Representation; Data/Annual Report; Legislative Issues; Purchase of Service Agencies; Video Update*.

Each committee was comprised of Advisory Committee members, additional local board members, and professionals from the child welfare community. A Program staff person was assigned to each committee to facilitate the committee’s task. The goals/accomplishments of the ad hoc committees were as follows:

### Advocacy

The Advocacy Committee concentrated on addressing the issue of high turnover of foster care staff, both within the Family Independence Agency and the contracted purchase of service agencies. A perennial top barrier to achieving permanency, as reflected by barriers to permanency data collected by the Program, suggested that rapid caseworker turnover contributed to longer stays in care for children. The Committee developed an *exit questionnaire for departing caseworkers* in FIA and purchase of service offices. It is expected that this information will identify reasons for accelerated turnover and result in changes to address its detrimental effect on children in care.

### Attorney Representation

Another perennial observation of boards is that court-appointed attorneys do not attentively represent their ward clients. Although some attorneys in some counties provide excellent representation, other attorneys in other counties do little more than show up at court hearings. There also seems to be a *disparity among the counties regarding compensation for court-appointed attorneys and the expectations for representing wards*. The Attorney Representation Committee developed a questionnaire which individual board members completed in each county with a local court staff representative. The polling of the courts was done throughout the year and a report summarizing how attorneys are paid, trained, and represent wards is anticipated in 2000.

### Data/Annual Report

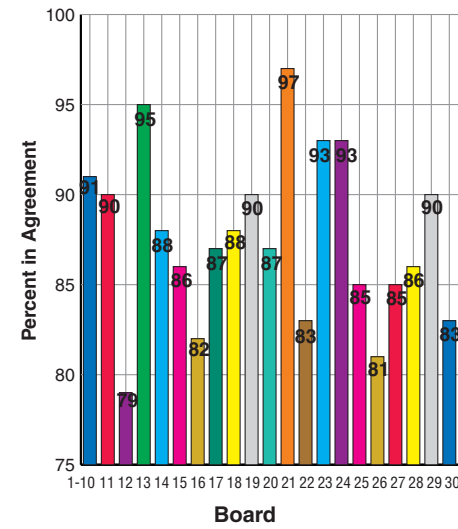
Through a contract with a private vender, the State Court Administrative Office developed a new database for the Foster Care Review Board Program. The new database will allow reports to be generated in any of the Program offices, utilizing data from all boards. The *new database will document foster parent appeal information as well as permanent ward statistics*. These additional components will support better advocacy by boards based on information gathered at individual reviews and will be used in meetings with courts, agencies, County Boards of Commissioners, and others. The annual report will be expanded using additional data reports which will be available and reflect more extensively the observations from reviews.

### Legislative Issues

The Committee’s initial goal was to educate citizen reviewers about the legislative process and to develop materials for boards to utilize when *corresponding with their elected officials to provide feedback from the citizen review perspective*. Packets were developed and provided to all board members at the 1999 annual training. The materials ranged from form

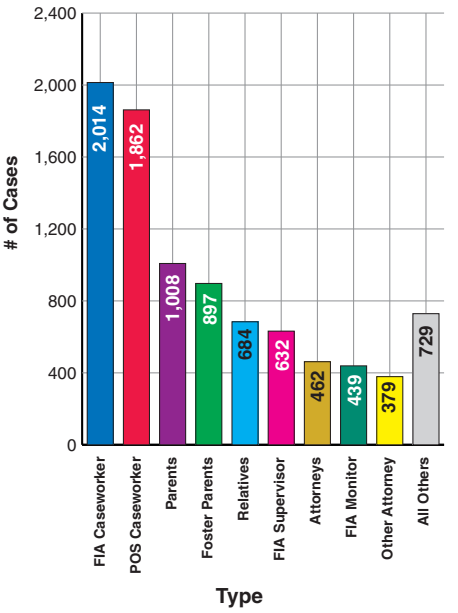
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Concurrence with Permanency Plan



1-10 Wayne, 11 Oakland, 12 Macomb, 13 Genesee, 14 Huron, Lapeer, Sanilac, St. Clair, 15 Livingston, Monroe, Washtenaw, 16 Ingham, 17 Hillsdale, Jackson, Lenawee, 18 Barry, Clinton, Eaton, Gratiot, Ionia, Montcalm, Shiawassee, 19 Saginaw, Tuscola, 20 Branch, Calhoun, St. Joseph, 21 Kent, 22 Kalamazoo, 23 Muskegon, 24 Allegan, Ottawa, Van Buren, 25 Berrien, Cass, 26 Bay, Clare, Gladwin, Isabella, Midland, 27 Benzie, Lake, Manistee, Mason, Mecosta, Newaygo, Oceana, Osceola, 28 Antrim, Arenac, Crawford, Grand Traverse, Iosco, Kalkaska, Leelanau, Missaukee, Ogemaw, Oscoda, Otsego, Roscommon, Wexford, 29 Alcona, Alpena, Charlevoix, Cheboygan, Chippewa, Emmet, Luce, Mackinac, Montmorency, Presque Isle, 30 Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, Schoolcraft

Interested Parties for all Counties





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letters for correspondence to legislators to how to interact with elected officials on issues. The Committee arranged for a workshop at the annual training with legislative representatives explaining how boards can educate their representatives regarding observations gleaned from citizen foster care review.

### Purchase of Service Agencies

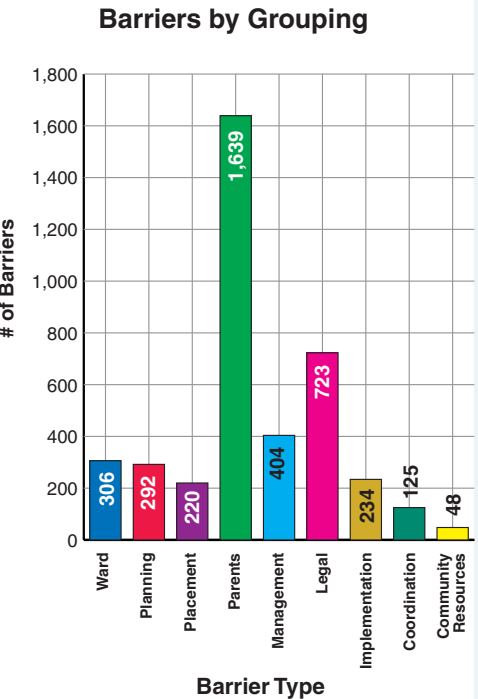
A major goal of this Committee was to address inadequate representation of wards by caseworkers at reviews. Among other things, the Committee recommended that new caseworkers be accompanied by their supervisors when attending reviews for the first time. The Committee was also concerned that purchase agencies were not fulfilling their contractual responsibilities. The Committee developed a check list for caseworkers, including monitoring of medications, medical history, therapy, school, grades, and specific problems, which will enable the caseworker to be better prepared for questions the board will ask at reviews.

### Video Update

Because of the Program expansion statewide and the additional mandates to boards, a new Program video was developed through a contract with a private vender. The new video contains *endorsements by former Lieutenant Governor Connie S. Binsfeld and Supreme Court Chief Justice Elizabeth A. Weaver*. The video presents an overview of the Program and is used extensively by board members and staff when meeting with judges, agencies, elected officials, and others concerned about foster care. The brief video is *a perfect lead-in to discussions centering on advocacy for children in care*. It succinctly establishes the role of boards as advocates within the child welfare system.

The top barriers to permanency in 1999 as reported by boards from case reviews are:

- ◆ Parental substance abuse
- ◆ Ward barriers (the ward's behavior ultimately affects achieving a permanent plan)
- ◆ Parental lack of insight into problems
- ◆ Parental Noncompliance with the Parent Agency Agreement
- ◆ Appeal of termination pending
- ◆ Inadequate/Inappropriate housing
- ◆ Other - legal barriers
- ◆ Lack of appropriate adoptive homes
- ◆ Parental low functioning
- ◆ Plan Unclear
- ◆ Parental lack of judgement (vulnerability to inappropriate influence of others)
- ◆ Parental resistance/uncooperative with service intervention

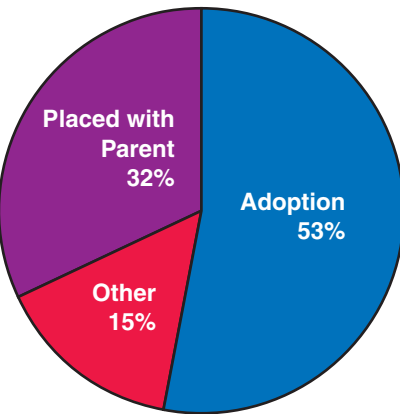


## 1999 Program Recommendations

1. We recommend that, since parental substance abuse continues to be a major factor preventing the return of children to their biological parents, the FIA consider local multidisciplinary reviews to assist the agency in assessing a timely and safe return of children to their families, and that lack of reasonable progress by the parents be documented and used by courts to determine if termination of parental rights is necessary.
2. We recommend that parent agency treatment plans be designed to ensure parental compliance with requirements for substance abuse treatment and mental health treatment prior to requiring any other remedial or rehabilitative services or activities.
3. We recommend that the FIA consider modifying the Parent Agency Treatment Plan and Service Agreement format to require signatures of the parental attorney(s) so that attorneys are aware of the document and understand the requirements of the agency for a safe return of the children.
4. We recommend that, since parental low functioning and lack of judgement prevent timely return of children to their parents, agencies provide mental health documentation on parents to the court early on in the intervention that addresses the parents' prognosis for parenting their children safely.
5. We recommend that children entering foster care immediately receive a psychological/psychiatric evaluation so that any necessary treatment/rehabilitative interventions recommended can begin immediately. Furthermore, we recommend that the FIA and its contracted agencies improve the access to and quality of mental health services for foster children, including appropriate flexibility to meet each child's special needs, and that services be in place within 30 days of entering care.
6. We recommend that caseworkers be trained and required to work collaboratively with the children's and parents' attorneys to ensure that the parents have the necessary understanding of the gravity of the proceedings and are as clear as possible on their responsibilities required to regain custody of their children.
7. We recommend that FIA/POS agencies be represented by an attorney at all neglect and abuse proceedings, and that the attorneys be responsible for preparing all legal documents.
8. We recommend that FIA/POS agencies include foster parents on the child's team and in case planning and that it be endorsed by the court. We further recommend that Family Division Courts insure that foster parents consistently receive notices of all court hearings and are given opportunity to participate at the hearings.
9. We recommend that FIA/POS agencies closely review children who enter care subsequent times and that these cases be given special scrutiny regarding the relationship between the length of stay in care and recidivism.
10. We recommend that, based on foster parent appeal experience, agency directors establish an internal procedure whereby changes in placement are reviewed by staff above the supervisory level to ensure

**...parental substance abuse continues to be a major factor preventing the return of children to their biological parents...**

**Resolution of Cases Under Foster Care Review**



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...recommend that the child welfare community utilize the Community Dispute Resolution Program...and address disputes that hinder the timely achievement of a permanency plan.

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that there is a justifiable and compelling reason to move a ward from one temporary placement to another.

11. We recommend that, based on foster parent appeal experience, agency directors review the outcomes of all foster parent appeals in their agencies and utilize this information to address procedures that will reduce the likelihood of unnecessary appeals in the future.
12. We recommend that, since housing continues to be a barrier to the return of children to their parents, agency directors review each Findings and Recommendations report from a board where the housing barrier (Barrier 8f) is identified to determine that available funding is being used appropriately to move children home when housing is the sole barrier to return.
13. We recommend that the child welfare community utilize the Community Dispute Resolution Program in their local areas if available to reduce the number of contested petitions, increase compliance with parent service plans, and address disputes that hinder the timely achievement of a permanency plan.
14. We recommend that the Family Division of Circuit Court address the mandates of 1998 Public Act 480, including appointing “lawyer guardian ad litem” to represent children in foster care.
15. We recommend that courts emphasize identifying children’s biological, legal, and/or putative parents earlier in the process, and that custodians of children placed in foster care be placed under oath to provide information to the court regarding the current location of the absent parent(s).
16. We recommend that lawyer guardian ad litem meet the mandates of 1998 Public Act 480 in representing children by determining the facts of the case through independent investigation, meeting or observing the child prior to each hearing, and representing the child’s best interests.
17. We recommend that, since a ward’s own behavior is a major barrier to placing older wards in permanent placements, communities utilize and fund programs through their collaborative bodies that meet the needs of the older adolescent who is aging out of the system. Furthermore, the FIA should review its policy regarding independent living to ensure that emphasis is placed on formal independent living skills versus informal living skills so that wards can be more thoroughly prepared for life beyond foster care when return home or adoption is not possible.
18. We recommend that the Legislature establish statutory sanctions for court appointed attorneys of abuse and neglect wards who are not providing adequate representation of their child clients.
19. We recommend that the Legislature and the Governor’s Office limit the caseloads of foster care caseworkers to a ratio of 15 to 1 and provide funding to do so.

Addressing the Binsfeld Bills

Expanding the Program

Following the Report of Lieutenant Governor Binsfeld’s Children’s Commission, the Program expanded statewide, which entailed adding

additional staff in Detroit and Gaylord as well as opening an office in Gaylord. Additionally, new boards were created, and some of the existing boards were merged with new counties creating multi-county boards.

To facilitate the expansion of the Program statewide, and to prepare agencies for foster parent appeals and permanent ward reviews, the Program offered training to FIA and purchase of service agencies in 1998. In Spring of 1999, trainings for caseworkers were again offered in Lansing, Southfield, and Mackinaw City.

Meetings between Program staff and Michigan Adoption Resource Exchange (MARE) staff resulted in the electronic transfer of MARE case information on permanent wards to the Program office every month. Because of the recent update of the database to include permanent ward reviews, permanent ward statistics are not included in this report; however, statistics will be included in the next annual report.

Foster Parent Appeals

As the result of the Binsfeld Commission, many new bills were introduced which led to new laws governing the provision of services to children in foster care and their families. Two of the bills affected the Foster Care Review Board Program by creating a foster parent appeal policy and mandating periodic reviews of permanent wards. The foster parent appeal process affected not only children and families, but courts and agencies.

Under 1997 PA 163, agencies with supervision and care of wards are required to notify the State Court Administrative Office when foster parents object to the move of a ward from their home under certain circumstances. Once the foster parents are notified, they have three days to contact the Foster Care Review Board Program to appeal the agency’s decision. Review boards must convene, hold a review hearing, and make recommendations within another three days. If the board supports the agency’s movement of the ward, the appeal process ends. If the board supports the foster parent’s appeal, the ward must remain in the current foster home pending a court hearing to be held within seven to fourteen days.

If the agency suspects abuse in the foster home, then the ward can be removed immediately per court order, but the foster parent may still appeal the removal to a board.

The foster parent appeal process began on July 1, 1998. During the next fifteen months through September 30, 1999, there were 67 appeals; approximately one per week. Of the 67 appeals, 34 involved FIA offices and 33 were from purchase of service agencies. Boards supported foster parents about 55% of the time, and agencies about 45% of the time. Roughly half of the appeals came from Wayne County, with the remainder from other counties, mostly in the lower half of the state.

In some instances, appeal hearings were not held following an initial request. In these situations, agencies were able to discuss and resolve the problem with the foster parents and the foster parents subsequently withdrew their appeal. Those resolutions are shown in the top chart.

Likewise, following agreement by a board with the foster parents, a subsequent court hearing was not always held for the following reasons shown in the bottom chart.

Reasons Board Hearing NOT Held After Request	
Agency retained ward in foster home	6
Foster parents withdrew request	4
Insufficient information from foster parents	1
Foster home license was revoked	2
Foster parents did not appear for hearing	2
Matter was mediated	3
Other	4
TOTAL	22

Board Agreement with Foster Parents with NO Subsequent Hearing	
Agency withdrew its opposition to foster parent complaint	2
Agency mediated with foster parents	1
Dismissed by court	1
Foster parent withdrew complaint	1
Foster parent requested removal of ward	1
Court order changed placement prior to hearing	2
Other	2
TOTAL	10

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